

# CITY COUNCIL AGENDA

City of Big Spring  
Tuesday, January 8, 2013

Notice is hereby given that the City Council of the City of Big Spring, Texas will meet in Regular Session on Tuesday, January 8, 2013, at 5:30 p.m. in the City Council Chambers located at 307 East 4<sup>th</sup> Street, Big Spring, Texas.

**The City Council may discuss and/or take action on each of the following items before it and may go into Executive Session on any item listed on the agenda in accordance with Chapter 551 of the Texas Government Code.**

## **Presentations & Public Hearings**

1. Invocation & Pledge of Allegiance to the United States Flag and to the Texas State Flag Duncan

## **Disposition of Minutes**

2. Minutes of the Regular Meeting of December 11, 2012 4-8      Davis

## **Consent Items**

3. Final Reading of a Resolution Authorizing the Filing of a Grant Application with the Permian Basin Regional Planning Commission for the Regional Solid Waste Grants Program; Authorizing the City Manager or His Designee to Act as the Authorized Representative and to Execute Any Necessary Documents 9-10      Darden

## **Routine Business**

4. Vouchers for 12/13/12 \$ 865,476.97 McDonald  
Vouchers for 12/20/12 \$ 137,949.95  
Vouchers for 01/03/13 \$ 930,557.20

## **Bids**

5. Permission to Advertise for Lease Purchase Financing for Various Equipment 11-13      Walker
6. Award Bid for (46) 3-Yard Refuse Containers and Authorizing the City Manager or His Designee to Execute Any Necessary Documents 14      Medina

**New Business**

- |    |   |       |        |
|----|---|-------|--------|
| 7. | First Reading of an Ordinance Amending Chapter Eighteen of the City Code of Ordinances Entitled "Traffic," Article Three Entitled "Operation of Vehicles Generally" by Adding a New Section 18-78 Entitled "Racing and Exhibition of Acceleration" Making it Unlawful for Any Person to Race or Otherwise Cause a Motor Vehicle to Make a Rapid Start or Acceleration on a Roadway; Renumbering Affected Sections; Providing a Penalty; Providing for Severability; Providing for Publication and Providing an Effective Date | 15-16 | Smith  |
| 8. | Approval of a Joint Election Agreement with Big Spring Independent School District and Authorizing the Mayor to Execute Any Necessary Documents   | 17-19 | Walker |
| 9. | Acceptance of Big Spring Economic Development Corporation Board of Directors Minutes for Regular Meeting of November 20, 2012   | 20-22 | Fuqua  |

**City Manager's Report**

- |     |  |  |       |
|-----|--|--|-------|
| 10. | Holiday – January 21, 2013 – Dr. Martin Luther King, Jr. Day |  | Fuqua |
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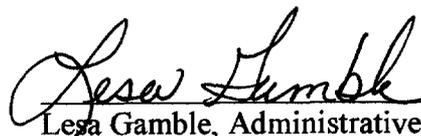
**Council Input**

- |     |       |  |        |
|-----|-------|--|--------|
| 11. | Input |  | Duncan |
|-----|-------|--|--------|

**Executive Session**

- |     |  |  |        |
|-----|--|--|--------|
| 12. | Quarterly Update – Adjourn into Executive Session in Accordance with Texas Government Code Section 551.071(1)(A) to Consult with the City Attorney Concerning Pending or Contemplated Litigation |  | Duncan |
| 13. | Reconvene in Open Session and Take Any Necessary Action  |  | Duncan |
| 14. | Adjourn  |  |        |

I hereby certify that this agenda was posted on the official bulletin boards at the Big Spring City Hall Building, 310 Nolan Street, Big Spring, Texas on Friday, January 4, 2013 at 4:30 p.m. In addition this agenda and supporting documents are posted on the City of Big Spring's website, [www.mybigspring.com](http://www.mybigspring.com) in accordance with legal requirements.

  
\_\_\_\_\_  
Lesa Gamble, Administrative Assistant

THE MEETING FACILITY IS ACCESSIBLE TO DISABLED PERSONS. ANY DISABLED PERSON NEEDING SPECIAL ACCOMMODATIONS OR HEARING-IMPAIRED PERSONS WISHING TO HAVE AN INTERPRETER SHOULD CONTACT LESA GAMBLE AT 264-2401. REQUESTS FOR AN INTERPRETER SHOULD BE MADE AT LEAST 48 HOURS IN ADVANCE OF THE MEETING TIME.

**Agenda Removal Notice** - This public notice was removed from the official posting board at the Big Spring City Hall Building, 310 Nolan Street, Big Spring, Texas on

January \_\_\_\_\_, 2013 at \_\_\_\_\_ a.m./p.m. By: \_\_\_\_\_  
City Secretary's Office

STATE OF TEXAS :  
COUNTY OF HOWARD :  
CITY OF BIG SPRING :

The City Council of the City of Big Spring, Texas, met in a regular meeting in the City Council Chambers located at 307 E. 4<sup>th</sup>, Big Spring, Texas, at 5:30 p.m., December 11, 2012, with the following members present:

TOMMY DUNCAN	Mayor
CRAIG OLSON	Mayor Pro Tem
GLEN CARRIGAN	Councilmember
CARMEN HARBOUR	Councilmember
BOBBY MCDONALD	Councilmember
MARVIN BOYD	Councilmember

(Councilmember Fernandez was not present at this meeting)

Same and constituting a quorum; and

GARY FUQUA	City Manager
TODD DARDEN	Assistant City Manager
LINDA SJOGREN	City Attorney
PEGGY WALKER	Finance Director/City Secretary
JOHN MEDINA	Human Resources Director
LONNIE SMITH	Police Chief
CRAIG FERGUSON	Fire Chief
JIM LITTLE	Airpark Director
TIM GREEN	Municipal Court Judge

## **PRESENTATIONS & PUBLIC HEARINGS**

### **INVOCATION & PLEDGE OF ALLEGIANCE**

Barbara Kirk-Norris, St. Mary's Episcopal Church, gave the invocation and Mayor Duncan led the Pledge of Allegiance to the American and State Flags.

### **PRESENTATION OF "MAYOR AND COUNCIL SPECIAL RECOGNITION AWARD"**

Mayor Duncan presented a "Mayor and Council Special Recognition Award" to Trevor Rivers Jordan for his bravery for alerting his family when his house caught on fire. Craig Ferguson, Fire Chief, and Carl Condray, Fire Marshall, also presented him with an award on behalf of the fire department.

## **DISPOSITION OF MINUTES**

### **MINUTES OF THE SPECIAL MEETING OF NOVEMBER 17, 2012**

Motion was made by Councilmember Carrigan, seconded by Councilmember Boyd, with all members of the Council voting "aye" approving minutes of the special meeting of November 17, 2012.

## **CONSENT ITEMS**

FINAL READING OF AN ORDINANCE AMENDING THE ZONING ORDINANCE BY CHANGING THE ZONING FROM SINGLE FAMILY-1 (SF-1) TO LIGHT COMMERCIAL (LC) FOR THE PROPERTY LOCATED AT THE NORTHEAST CORNER OF WESTOVER & FM 700 DESCRIBED AS 1.72 ACRES OUT OF THE SW/4 OF SECTION 6, BLOCK 32, T-1-S, T & P RR CO. SURVEY, HOWARD COUNTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE

FINAL READING OF AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 5 OF THE CITY CODES ENTITLED "FOOD AND FOOD ESTABLISHMENTS," SECTION 13-102 ENTITLED "PERMITS AND EXEMPTIONS" BY ADDING DAY CARE CENTERS TO THOSE ESTABLISHMENTS THAT ARE EXEMPT FROM THE PERMITTING PROCESS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

FINAL READING OF AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER ONE, SECTION 1-8 (B) TO UPDATE RETIREMENT ELIGIBILITY AND VESTING REQUIREMENTS TO 5 YEARS OF SERVICE IN THE TEXAS MUNICIPAL RETIREMENT SYSTEM PURSUANT TO THE PROVISIONS OF SECTIONS 62.105 AND 64.202 (G) OF TITLE 110B, REVISED CIVIL STATUTES OF TEXAS, 1925; AND PROVIDING AN EFFECTIVE DATE

FINAL READING OF A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF BIG SPRING TO BE REIMBURSED FOR CERTAIN CAPITAL EXPENDITURES FROM PROCEEDS OF A LEASE PURCHASE AGREEMENT AND ESTABLISHING AN EFFECTIVE DATE

ACCEPTANCE OF MCMAHON WRINKLE AIRPARK DEVELOPMENT BOARD MINUTES FOR MEETING OF OCTOBER 18, 2012

Motion was made by Councilmember Boyd, seconded by Councilmember Carrigan, with all members of the Council voting "aye" approving the above listed ordinances, resolution and minutes.

## **ROUTINE BUSINESS**

Councilmember Harbour reviewed the vouchers. Motion was made by Councilmember Harbour, seconded by Councilmember McDonald, with all members of the Council voting “aye” approving vouchers in the amount of \$1,443,965.42 (11/15/12), \$771,357.02 (11/29/12) and \$763,290.96 (12/06/12).

## **BIDS**

### **APPROVAL OF PLANS AND SPECIFICATIONS AND PERMISSION TO ADVERTISE FOR WATER TREATMENT PLANT UPGRADES “PHASE A”**

Motion was made by Mayor Pro Tem Olson, seconded by Councilmember Carrigan, with all members of the Council voting “aye” approving plans and specifications and permission to advertise for Water Treatment Plant upgrades “Phase A”.

### **AWARD BIDS AS FOLLOWS AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS**

Motion was made by Councilmember Harbour, seconded by Councilmember McDonald, with all members of the Council voting “aye” awarding bids as follows and authorizing the City Manager or his designee to execute any necessary documents:

Awarding eight (8) police vehicles to Grapevine Dodge in the amount of \$184,992.00;

Awarding two (2) ½ ton short wheel base extended cab pickups to Caldwell Country Chevrolet in the amount of \$37,130.00;

Awarding one (1) ½ ton long wheel base extended cab pickup to Caldwell Country Chevrolet in the amount of \$21,675.00;

Awarding two (2) ½ ton regular cab pickups to Philpott Ford in the amount of \$33,937.50;

Awarding one (1) wheel loader to Yellowhouse Machinery in the amount of \$118,750.00;

Awarding one (1) dual drum roller to Yellowhouse Machinery in the amount of \$35,150.00;

Awarding one (1) bulldozer to Yellowhouse Machinery in the amount of \$292,700.00; and

Awarding two (2) utility vehicles to Tractor Supply in the amount of \$9,990.00.

## **NEW BUSINESS**

**FIRST READING OF A RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE PERMIAN BASIN REGIONAL PLANNING COMMISSION FOR THE REGIONAL SOLID WASTE GRANTS PROGRAM; AUTHORIZING THE CITY**

MANAGER OR HIS DESIGNEE TO ACT AS THE AUTHORIZED REPRESENTATIVE AND TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Councilmember Carrigan, seconded by Councilmember Boyd, with all members of the Council voting “aye” approving first reading of a resolution authorizing the filing of a grant application with the Permian Basin Regional Planning Commission for the Regional Solid Waste Grants Program; authorizing the City Manager or his designee to act as the authorized representative and to execute any necessary documents.

EMERGENCY READING OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO TERMINATE STAGE III AND TO ENACT STAGE II OF THE CITY’S DROUGHT CONTINGENCY PLAN; AMENDING ESTABLISHED WATERING SCHEDULES FOR CITY OF BIG SPRING WATER CUSTOMERS; AND ESTABLISHING AN EFFECTIVE DATE

Motion was made by Mayor Pro Tem Olson, seconded by Councilmember Harbour, with all members of the Council voting “aye” approving an emergency reading of a resolution authorizing the City Manager to terminate Stage III and to enact Stage II of the City’s Drought Contingency Plan; amending established watering schedules for City of Big Spring water customers; and establishing an effective date.

APPROVAL OF AN INTERLOCAL AGREEMENT WITH HOWARD COUNTY JUNIOR COLLEGE DISTRICT FOR MUTUAL PURCHASE OR SALE OF PROPERTY AND AUTHORIZING THE MAYOR OR HIS DESIGNEE TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Councilmember Carrigan, seconded by Councilmember Boyd, with all members of the Council voting “aye” approving an interlocal agreement with Howard County Junior College District for mutual purchase or sale of property and authorizing the Mayor or his designee to execute any necessary documents.

APPROVAL OF INVESTMENT REPORT FOR THE QUARTER ENDING SEPTEMBER 30, 2012

Motion was made by Councilmember Carrigan, seconded by Councilmember McDonald, with all members of the Council voting “aye” approving the investment report for the quarter ending September 30, 2012.

ACCEPTANCE OF BIG SPRING ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS MINUTES FOR REGULAR MEETING OF OCTOBER 16, 2012

Motion was made by Councilmember Boyd, seconded by Mayor Pro Tem Olson, with all members of the Council voting “aye” approving Big Spring Economic Development Corporation Board of Directors minutes for regular meeting of October 16, 2012.

## **CITY MANAGER'S REPORT**

Gary Fuqua, City Manager, reminded the Council that the next council meeting won't be until January, 2013 due to the holidays.

## **COUNCIL INPUT**

Mayor Duncan and all Councilmembers wished everyone a Merry Christmas.

## **EXECUTIVE SESSION**

ADJOURN INTO EXECUTIVE SESSION UNDER SECTION 551.071(2) – OF THE TEXAS GOVERNMENT CODE TO CONSULT WITH THE CITY ATTORNEY AND UNDER SECTION 551.072 OF THE TEXAS GOVERNMENT CODE TO DISCUSS THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY AT 6:00 P.M.

RECONVENE INTO REGULAR SESSION TO CONSIDER AUTHORIZING THE MAYOR TO NEGOTIATE THE PURCHASE, SALE OR EXCHANGE OF PROPERTY FOR A NEW LANDFILL AND TO TAKE ANY OTHER NECESSARY ACTION OR EXECUTE ANY DOCUMENTS TO ACQUIRE SUCH PROPERTY AT 7:08 P.M.

Motion was made by Councilmember Boyd, seconded by Councilmember Carrigan, with all members of the Council voting "aye" authorizing the Mayor to negotiate the purchase, sale or exchange of property for a new landfill and to take other necessary action or execute any documents to acquire such property.

CONSIDER ACCEPTING A DONATION OF REAL PROPERTY AND AUTHORIZING THE MAYOR TO EXECUTE ANY NECESSARY DOCUMENTS

Motion was made by Councilmember Boyd, seconded by Mayor Pro Tem Olson, with all members of the Council voting "aye" accepting a donation of real property (Malone-Hogan Clinic) and authorizing the Mayor to execute any necessary documents.

## **ADJOURN**

Motion was made by Councilmember Harbour, seconded by Councilmember Carrigan, with all members of the Council voting "aye" to adjourn at 7:15 p.m.

CITY OF BIG SPRING, TEXAS

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Tommy Duncan, Mayor

ATTEST:

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Tami L. Davis, Assistant City Secretary

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG SPRING AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE PERMIAN BASIN REGIONAL PLANNING COMMISSION UNDER THE REGIONAL SOLID WASTE GRANTS PROGRAM; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO ACT AS THE AUTHORIZED REPRESENTATIVE IN ALL MATTERS RELATED TO THIS APPLICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Big Spring desires to develop a solid waste reduction program which serves the community, landfill, and compost operations by prolonging the life of the landfill; and

**WHEREAS**, the Permian Basin Regional Planning Commission is directed by the Texas Commission on Environmental Quality to administer solid waste grant funds for implementation of the COG's adopted regional solid waste management plan; and

**WHEREAS**, the City of Big Spring is qualified to apply for funding under the Regional Solid Waste Grant Program Requests for Applications;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS THAT:**

**SECTION 1.** City staff is directed to submit an application to the Permian Basin Regional Planning Commission on behalf of the City for equipment, product remediation, education and training related to a solid waste reduction program.

**SECTION 2.** If the project is funded, the City of Big Spring will comply with the grant requirements of the Permian Basin Regional Planning Commission, Texas Commission on Environmental Quality and the State of Texas.

**SECTION 3.** The grant funds and any grant-funded equipment or facilities will be used only for the purposes for which they are intended under the grant.

**SECTION 4.** All activities will comply with and support the adopted regional and local solid waste management plans adopted for the geographical area in which the activities are performed.

**SECTION 5.** By a written instrument signed by the Authorized Official, said Authorized Official may designate specially identified officers or employees of the City of Big Spring to execute and deliver agreements and documents relating to the Grant provided by PBRPC on behalf of the City of Big Spring.

**Signatures and Titles of Authorized Official:**

Name: Gary Fuqua

Title: City Manager

\_\_\_\_\_

Signature

**SECTION 6.** Should any section, paragraph, sentence, clause, phrase or word of this resolution be declared unconstitutional or invalid for any purpose, the remainder of this resolution shall not be affected thereby.

**SECTION 7.** This resolution shall take effect immediately upon its adoption and approval.

**PASSED AND APPROVED** on first reading at a regular meeting of the City Council on the 11<sup>th</sup> day of December 2012, with all members present voting “aye” for passage of same.

**PASSED AND APPROVED** on second reading at a regular meeting of the City Council on the 8<sup>th</sup> day of January, 2013, with all members present voting “aye” for passage of same.

\_\_\_\_\_  
Tommy Duncan, Mayor

Attest:

\_\_\_\_\_  
Tami Davis, Asst. City Secretary

**CITY OF BIG SPRING**  
**REQUEST FOR PROPOSAL**

The City of Big Spring, Texas is requesting proposals for financing the purchase of capital equipment through the lease-purchase method of financing. **Sealed bids will be received until 2:00 p.m. on Tuesday, January 22, 2013.** Any bid received after that date and time will be returned unopened. Bids should be mailed or delivered to:

City of Big Spring  
Attn: Peggy S. Walker  
310 Nolan Street  
Big Spring, Texas 79720

The following terms and conditions are required as part of the agreement:

- The term of the agreement for the entire equipment package will be five (5) years with sixty (60) equal monthly payments.
- The City's obligation to make payments is subject to the annual availability of appropriations. The City will seek appropriations and use its best efforts to obtain such appropriations in subsequent fiscal years. Funds have been budgeted for the 2012-13 fiscal year.
- The agreement will include a standard non-appropriation of funds clause.
- The leased equipment will become the property of the City of Big Spring, Texas upon payment of the final monthly payment at the end of the lease term, with no balloon payments.
- The City of Big Spring will have the right to terminate the lease agreement by purchasing the leased equipment on any lease payment date by paying the principal balance due on that payment date, with no early payment penalty.
- The equipment being financed will be insured by the Texas Municipal League Intergovernmental Risk Pool.
- Interest earnings on any funds in escrow will belong to the City of Big Spring.
- The City will not consider over-funding or under-funding of the principal amount stated herein.
- The City **does not anticipate** the issuance of tax exempt debt in excess of \$10,000,000 in 2013.

- Preparation of form 8038 “Information Return for Tax Exempt Governmental Obligations” will be the responsibility of the successful respondent.
- The City discourages a response employing a dated date, i.e. interest accruing for money not yet received by the lessee.
- All respondents should submit a recent financial statement and a list of references demonstrating a fiduciary ability to fund a transaction of this magnitude.
- **Sealed proposals must be received no later than 2:00 p.m., Tuesday, January 22, 2013.**

All proposals submitted must contain the following information:

1. Amount of monthly payment
2. Interest rate
3. Copy of monthly lease payment schedule – Amortization Schedule
4. Copy of proposed lease agreement and other required documents
5. Amount of any service fees in addition to monthly payments or any fees included in monthly payments
6. A recent financial statement and a list of references demonstrating a fiduciary ability to fund a transaction of this magnitude
7. **A clear statement regarding whether payments are to be made in arrears or advance.** The City will accept a proposal for either method, with award to be given on method most beneficial to the City.
8. A statement clearly indicating if the lease is subject to sale to another party at any time during the lease

**Equipment to be purchased:**

<b>Description</b>	<b>Quantity</b>	<b>Estimated Cost</b>
Police Sedans	8	\$ 184,992.00
Equipment to Outfit Police Sedans	N/A	115,008.00
Fire Wall Software	1	10,775.00
Fire Engine/Pumper	1	169,593.26
½ Ton Short Wheel Base Ext. Cab Pickup	2	37,130.00
½ Ton Long Wheel Base Ext. Cab Pickup	1	21,675.00
½ Ton Regular Cab Pickup	2	33,937.50
Front-End Loader	1	118,750.00
Dual Drum Roller	1	35,150.00
Sanitation Truck	1	225,543.95
Bulldozer	1	292,700.00
Tractor with Aerator	1	29,315.51
Ambulance	1	107,000.00
Equipment to Outfit Various Vehicles	N/A	<u>1,999.78</u>
<b>Grand Total of Equipment to be Financed</b>		<b>\$1,383,570.00</b>

Payments will be made as installments to the various vendors as vehicles and equipment are received.

The City of Big Spring will request reimbursement of any expenditures that are made before the lease/purchase agreement is executed.

If you have any questions concerning this request for proposal, please contact Peggy Walker, Director of Finance, (432) 264-2514, 310 Nolan Street, City of Big Spring, Texas 79720.

Monthly payments and total payments over the term of the agreement will be a consideration in the selection of a financial institution for this proposal.

Any proposal submitted must be completed and signed by an authorized company representative. Failure to do so will cause bid to be rejected.

The proposals will be evaluated and a recommendation will be taken to the City Council on the 22<sup>nd</sup> day of January 2013. **All proposals should be firm for a minimum period of ten days past said date.**



## ***Purchasing and Material Control Memorandum***

**To:** Honorable Mayor, City Council, City Manager

**From:** Paul Sotelo, Purchasing Agent

**Date:** January 8, 2013

**Subject:** Request Permission to Purchase 3 Cubic Yard Refuse Containers

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The Sanitation Department was budgeted with \$70,000.00 for this fiscal year for the purpose of buying 3yd. and 1.5yd. side load refuse containers, as well as 96 gallon rollout refuse containers. To date, we have used \$26,640.00 on 3yd. containers, \$12,321.00 on 1.5yd. containers, and \$8,432.00 on 96 gallon rollout containers for a total of \$48,427.00 including all freight charges and by "piggybacking" off of Midland and Odessa prices. We are requesting that we use the remaining funds of \$21,573.00 to order forty-six (46) 3yd. containers including freight of \$1,034.00.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF BIG SPRING, TEXAS AMENDING CHAPTER EIGHTEEN OF THE BIG SPRING CODE OF ORDINANCES ENTITLED "TRAFFIC," ARTICLE THREE ENTITLED "OPERATION OF VEHICLES GENERALLY" BY ADDING A NEW SECTION 18-84 ENTITLED "RACING AND EXHIBITION OF ACCELERATION" MAKING IT UNLAWFUL FOR ANY PERSON TO RACE OR OTHERWISE CAUSE A MOTOR VEHICLE TO MAKE A RAPID START OR ACCELERATION ON A ROADWAY; PROVIDING A PENALTY PROVISION FOR CHAPTER 18, ARTICLE 3; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the Big Spring City Council finds it necessary to restrict rapid start or acceleration of vehicles in the roadway in order to restrict racing and protect public safety;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIG SPRING, TEXAS AS FOLLOWS:**

**SECTION 1.** THAT Chapter 18, Article 3, of the Big Spring Code of Ordinances entitled "Operation of Vehicles Generally," is hereby amended by adding new Sections 18-84 and 18-85 with such sections to read as follows:

**Sec. 18-84. Racing and Exhibition of Acceleration.**

(A) Definitions.

When used in this section the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows:

1. *Race* means the use of one or more motor vehicles to move rapidly ahead of other vehicles, to attempt to outgain or outdistance another vehicle or to attempt to prevent another vehicle from passing.
2. *Exhibition of Acceleration* means the acceleration of a motor vehicle whether originally stopped, or moving in such a manner as to cause a tire on the vehicle to excessively spin or lose traction, to cause the driving wheels to create a loud noise, or to cause the rear portion of the vehicle to sway or swing from side to side.

(B) Racing and Exhibition of Acceleration Prohibited.

It shall be unlawful for an operator of a motor vehicle to engage in a Race or Exhibition of Acceleration, as defined in subsection (A), upon any alley, street or highway in the City of Big Spring.

**Sec. 18-85. Penalty.**

Unless any specific section of the article provides for a different penalty, any person who shall violate any provision of this article shall be guilty of a misdemeanor and upon conviction may be fined not less than One (\$1.00) Dollar or more than Two-Hundred (\$200.00) Dollars; provided further, no penalty shall be greater of less than the penalty provided for the same or similar offense under the laws of the state. Each day the violation occurs or continues shall constitute a separate offense.

**Sec. 18-86 to 18-108. Reserved.**

**SECTION 2.** THAT should any section, paragraph, sentence, clause, phrase or word of this ordinance be declared unconstitutional or invalid for any purpose, the remainder of this ordinance shall not be affected thereby.

**SECTION 3.** THAT all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 4.** THAT the City Secretary is hereby ordered and directed to cause the descriptive caption, as well as the penalties for violation of this ordinance to be published as provided by law.

**SECTION 5.** THAT this ordinance shall take effect immediately after its publication in accordance with the provisions of the Charter of the City of Big Spring, and it is accordingly so ordained.

**PASSED AND APPROVED** on first reading at a regular meeting of the City Council on the day of **January 8, 2013** with \_\_\_ members present voting “aye” for passage of the same.

**PASSED AND APPROVED** on second reading at a regular meeting of the City Council on the day of **January 22, 2013** with \_\_\_ members present voting “aye” for passage of the same.

ATTEST:

\_\_\_\_\_  
Tommy Duncan, Mayor

\_\_\_\_\_  
Tami Davis, Assistant City Secretary

**JOINT ELECTION AGREEMENT  
BETWEEN  
BIG SPRING INDEPENDENT SCHOOL DISTRICT  
AND  
THE CITY OF BIG SPRING, TEXAS**

In compliance with 271.002(a) of the Texas Election Code, the Big Spring Independent School District and the City of Big Spring hereby agree to hold a joint election in conformance with the provisions set forth below.

1. Scope

This Agreement covers the conduct of the City's regular election and the District's general trustee election, which are to be held on May 11, 2013 ("Election Day") as well as any special election which may be called by either Party which will be held on the above noted election day, jointly for the voters in the City of Big Spring and the Big Spring Independent School District.

2. Legal Documents

The Parties shall each be responsible for the preparation, adoption, and publication (including bilingual publications) of their respective required election orders, resolutions, notices, Department of Justice pre-clearance submission (as required by the Civil Rights Act), and any other pertinent documents required by law, unless otherwise set forth herein.

3. Polling Places

The Parties shall share common polling places as set forth in their respective election orders, and in accordance with Election Code §271.003 and Chapter 43 of the Election Code.

4. Conducting the Election

- a. The Parties have each entered into an Election Services Agreement with Howard County wherein the Elections Administrator has agreed to perform election duties ordinarily contemplated in a Joint Election Agreement. Accordingly, the terms of each Party's respective Election Service Contract shall bind the conduct of the election for each Party.
- b. In the event a conflict regarding the conduct of the election (with the exception of polling places) arises between this Agreement and the

Election Services Agreement, the Election Services Agreement provision prevails.

5. Election Records Retention

Both Parties will be responsible for the retention of their respective records, in accordance with the Texas Election Code.

6. Order, Resolution, or Other Official Action

The Parties agree to state the terms of the Joint Election Agreement in an order, resolution, or other official action adopted by the governing body of each Party, at a lawfully called meeting, as required by Texas Election Code § 271.002(d).

7. Cancellation of Election

Should either Party cancel its election, this Agreement will become void upon notification to the other Party.

8. Preservation

An executed copy of this Agreement shall be preserved by each party for the period for preserving the precinct election records, as required by Texas Election Code §271.002(e), or longer as determined by each Party's records retention schedules.

9. Miscellaneous Provisions

- a. This Agreement shall be construed under and in accordance with the laws of the State of Texas, and all obligations of the Parties created hereunder are performable in Howard County, Texas.
- b. In the event one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.
- c. The Parties shall comply with all applicable laws, ordinances, and codes of the State of Texas, all local governments, and any other entities with local jurisdiction.
- d. The waiver by any party of a breach of any provision of this Agreement shall not operate as or be construed as a waiver of any subsequent breach.
- e. Any amendment of this Agreement shall be of no effect unless in writing and signed by both Parties hereto.

- f. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original for all purposes.

CITY OF BIG SPRING

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Tommy Duncan, Mayor

ATTEST:

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Peggy S. Walker, City Secretary

BIG SPRING INDEPENDENT SCHOOL DISTRICT

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Irene Rodriguez, School Board President

ATTEST:

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**Minutes of the Board of Director's Regular Meeting**  
**BIG SPRING ECONOMIC DEVELOPMENT CORPORATION**  
**Tuesday, November 20, 2012**  
**5:15 p.m.**  
**Offices of the Big Spring Economic Development Corporation**  
**215 West Third Street**  
**Big Spring, Texas**

The Regular Meeting of the Board of Directors of the Big Spring Economic Development Corporation was called to order at 5:16 p.m. Tuesday, November 20, 2012 in the offices of the Big Spring Economic Development Corporation with Mr. DePauw, presiding. The following notice was sent on November 16, 2012 to all Directors, the news media, and duly posted on November 16, 2012, by Teresa Darden in compliance with the Open Meeting's Act by posting it on the outside door of the Big Spring Economic Development Corporation and on the inside and outside of City Hall.

"The Board of Directors of the Big Spring Economic Development Corporation will hold a Regular Board Meeting on Tuesday, November 20, 2012 at 5:15 p.m. in the offices of the Big Spring Economic Development Corporation, 215 West Third Street, Big Spring, Texas. The purpose of the meeting is: Action on Minutes of the October 16, 2012 Regular Meeting, Action on October Financials, Action on October Investment Reports, Directors Report, Public Comment; Board Comment, and Adjourn".

**Directors Present:**

Mr. Jim DePauw  
Mr. Scott MacKenzie  
Mrs. Frances Hobbs

**Directors Absent:**

Mr. Justin Myers  
Dr. Keith Ledford

**Staff Present:**

Mr. Terry Wegman  
Mrs. Teresa Darden

**Guests:**

Miklos Szabo, Amy Vidal, Norma Garcia, Steve Campbell

**AGENDA ITEM # 1 – Call to Order/Invocation and Pledge:**

Mr. DePauw called the meeting to order at 5:16 p.m. Mr. DePauw led the invocation and pledge.

**ACTION ITEM #2- Action on Minutes of the October 16, 2012 Regular Board Meeting:**

Mr. DePauw presented the minutes of the October 16, 2012 Regular Meeting. Motion to accept the minutes was made by Mr. MacKenzie, seconded by Mrs. Hobbs. The motion passed 3 to 0 with all members present voting "aye" in favor of the motion.

### **ACTION ITEM #3- Action on October Financials Report:**

Mr. MacKenzie presented the October Financial report. Motion to approve the October Financial Report was made by Mr. DePauw seconded by Mrs. Hobbs. The motion passed 3 to 0 with all members present voting "aye" in favor of the motion.

### **ACTION ITEM #4- Action on October Investment Report:**

Mr. MacKenzie presented the October Investment report. Motion to approve the October Investment Report was made by Mr. MacKenzie seconded by Mr. DePauw. The motion passed 3 to 0 with all members present voting "aye" in favor of the motion.

### **AGENDA ITEM #5- Directors Report**

Mr. Wegman discussed various projects including: Settles Hotel has upper floors virtually complete, ballroom and mezzanine are ready for carpet, first floor woodwork installed and ready to finish, basement offices, salon, and fitness center nearly complete, kitchen equipment in place and restaurant and parlor starting to take shape, hope for late December opening. Boyce Galvanizing has containment pits finished, 3 containers have arrived, half of the zinc has arrived and the overhead crane system is being installed with plans to start business February 1<sup>st</sup>. Both locomotives for THS have arrived and the first shipment consisting of timbers for Fort Worth Pipe Services have been delivered as well as the first delivery to Co-Ex Pipe and are continuing negotiations with Western Container. THS continues to work with many different companies to relocate to Big Spring. Fort Worth Pipe Services is moving forward on site work at the industrial park, laying down base over about 12 acres at the THS leased area, they have set up temporary offices at the site, leased additional acreage at the south end of the tarmac, laid down timber for storage on the tarmac, have 3 employees in Big Spring currently, plan to begin spur construction very soon, utilities have been relocated and just waiting for poles to be removed, expecting shipments this month with pipe deliveries starting at the end of December. Express Midstream Services are completing their 10% plan, being done by a global engineering firm (TransSystems), this plan is required by Union Pacific to begin planning for interchange on the controlled siding at the EDC property, the plan should be ready the first week of December and will have renderings from TransSystems for the track layout and a draft of operational plan, the Board should be prepared to meet early in December for a presentation by EMS, through discussions with various producers EMS anticipates operations to be greater than originally thought requiring more employees and train traffic.

Mr. Wegman advised the board of past and upcoming meetings that include: SEMA Show was on October 29-31 and will have 200-300 leads primarily small manufacturing concerns from Canada, Colorado and California interested in locating to Texas, High Ground Annual meeting was Nov 5-6 with insight on media and marketing, TEDC Board Meeting November 29-30, High Ground Legislative Meeting on December 11-12, High Ground Spring Meeting in April at the Settles Hotel, and the next Regular Board Meeting will be December 18<sup>th</sup> with Christmas Social to follow.

**AGENDA ITEM #6- Public Comments**

None

**AGENDA ITEM # 7- Board Comments**

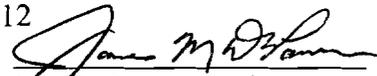
Mr. MacKenzie and Mr. DePauw stated they are looking forward to meeting with Express Midstream on the layout of the rail yard.

**AGENDA ITEM # 8- Adjourn**

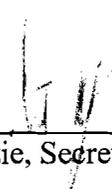
Mr. DePauw asked for a motion to adjourn.

Motion by Mr. DePauw seconded by Mrs. Hobbs. The motion passed 3 to 0 with all members present voting "aye" in favor of the motion.

Meeting adjourned at 6:02 pm on November 20, 2012

  
Mr. DePauw, President

ATTEST:

  
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Mr. MacKenzie, Secretary/Treasurer